



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

JAN 08 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7006-2760-0000-8644-5858

Mr. Dean Kruger
Plant Manager
Klinger Paint Company, Inc.
5555 Willow Creek Drive SW
Cedar Rapids, Iowa 52404

RE: Klinger Paint Company, Inc.
Cedar Rapids, Iowa 52404
RCRA ID No.: IAD000651265

Dear Kruger:

Letter of Warning/Request for Information

On May 7-8, 2013, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

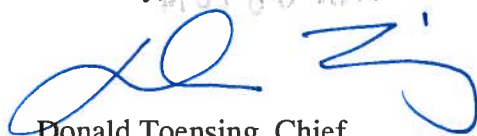
My staff has reviewed the inspection report and your May 28, 2013 response to the Notice of Preliminary Findings (NOPF) and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Marc Matthews, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Marc Matthews, of my staff, at (913) 551-7517.

Sincerely,



Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

List of Violations
Klinger Paint Company, Inc.
Cedar Rapids, Iowa 52404
RCRA ID No.: IAD000651265

NOPF No. 2 - 40 CFR §262.34(a)(4) - 265.16(c) - Failure to provide annual RCRA training

NOPF No. 9 - 40 CFR §262.40(c) - Failure to maintain test result for waste determination for spent paint booth filters.

NOPF No. 10 - 40 CFR §262.34(a)(4)- 265.53(b) - Failure to submit revised RCRA Contingency Plan to local emergency agencies

NOPF No. 11 - 40 CFR §273.16 - Failure to adequately inform employees in management of universal waste lamps

NOPF No. 12 - 40 CFR §262.34(a)(4)- 265.16(a)(2) - Program Director not adequately trained in hazardous waste management procedures

Requested information
Klinger Paint Company, Inc.
Cedar Rapids, Iowa 52404
RCRA ID No.: IAD000651265

NOPF No. 2 - Failure to provide annual RCRA training.

In your May 28, 2013 response to the NOPF, you stated that four additional employees were scheduled for RCRA training on June 3rd at the Eastern Iowa Community College in Davenport, IA.

Please provide a list of the employees who received the RCRA training and certification of training including the date of the training.

NOPF No. 9 - Failure to maintain test result for waste determination for spent paint booth filters.

In your May 28, 2013 response to the NOPF, you indicated that you contacted Test America to do a TCLP for RCRA chemicals on your paint filters from emission unit 01, emission point 01.

Please provide the test results of the TCLP analysis.

NOPF No.10 - Failure to submit revised RCRA Contingency Plan to local emergency agencies.

In your May 28, 2013 response to the NOPF, you stated that your current site emergency plan was being updated and that when you were finished you would forward it onto the proper emergency agencies.

Please provide a list of the emergency agencies the plan was sent to including the date the plans were sent.

NOPF No. 11 - Failure to adequately inform employees in management of universal waste lamps.

In your May 28, 2013 response to the NOPF, you stated that you were currently in the process of developing and implementing a plan for the proper handling, disposal, labeling and required training of waste lamps and that 3-4 employees would be trained upon completion.

Please provide the plan you developed for the proper handling, disposal, labeling and required training of waste lamps and a listing of the employees who have received the training including the date of the training.

NOPF No. 12 - Program Director not adequately trained in hazardous waste management procedures.

In your May 28, 2013 response to the NOPF, you indicated that you had selected an employee to be trained in hazardous waste management.

Please provide the date of the training, who conducted the training and course content or synopsis of the course.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

